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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,916	11/01/2006	Michael Birsha Davies	PB60435USw	7133
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			BLIZZARD, CHRISTOPHER JAMES	
	FIVE MOORE DR., PO BOX 13398 RESEARCH TRIANGLE PARK, NC 27709-3398		ART UNIT	PAPER NUMBER
			3771	
			NOTIFICATION DATE	DELIVERY MODE
			06/24/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USCIPRTP@GSK.COM ELAINE.X.MARTENS@GSK.COM PATRICIA.T.WILSON@GSK.COM

	Application No.	Applicant(s)					
Office Action Comment	10/572,916	DAVIES ET AL.					
Office Action Summary	Examiner	Art Unit					
	CHRISTOPHER BLIZZARD	3771					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence ad	ldress				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MO7HS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be tim ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	J. lely filed the mailing date of this α (35 U.S.C. § 133).	,				
Status							
1) Responsive to communication(s) filed on 21 Ma	arch 2006						
· <u> </u>	action is non-final.						
3)☐ Since this application is in condition for allowan		secution as to the	e merits is				
•	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
	,						
Disposition of Claims							
· · · · · · · · · · · · · · · · · · ·	☑ Claim(s) <u>1-49</u> is/are pending in the application.						
	4a) Of the above claim(s) is/are withdrawn from consideration.						
·	5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.							
7)☐ Claim(s) is/are objected to.							
8)⊠ Claim(s) <u>1-49</u> are subject to restriction and/or e	election requirement.						
Application Papers							
9)☐ The specification is objected to by the Examine	r.						
10) The drawing(s) filed on is/are: a) acce	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the o	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correcti	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PT	O-152.				
Priority under 35 U.S.C. § 119							
12)☐ Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a)	-(d) or (f).					
a) All b) Some * c) None of:	. ,	() ()					
1.☐ Certified copies of the priority documents	s have been received.						
2.☐ Certified copies of the priority documents		on No					
	• •	' <u></u>	Stage				
<u> </u>	3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.							
Goo the attached detailed emocration of a list of	or the contined copies het receive	u.					
Attachment/c)							
Attachment(s) 1) Notice of References Cited (PTO-892)	4) Interview Summary	(PTO-413)					
2) Notice of Praftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	ite					
3) Information Disclosure Statement(s) (PTO/SB/08)	5) Notice of Informal P	atent Application					
Paper No(s)/Mail Date	6)						

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species 1, a medicament dispenser in the form of a metered does inhaler seen in figure 1

Species 2, a medicament dispenser in the form of a nasal sprayer as seen in figure 8.

Species 3, a medicament dispenser in the form of a syringe as seen in figure 11.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: The special technical feature that species 1 has that the others do not is a mouthpiece, the special technical feature that species 2 has that the others do not is a nozzle for inserting into the nose, and the special technical feature that species 3 has that the others do not is a syringe plunger.

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3. A telephone call was made to Robert Brink on 6/14/10 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER BLIZZARD whose telephone number is (571)270-7138. The examiner can normally be reached on Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571)272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Christopher Blizzard/ Examiner, Art Unit 3771

/Justine R Yu/ Supervisory Patent Examiner, Art Unit 3771